

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

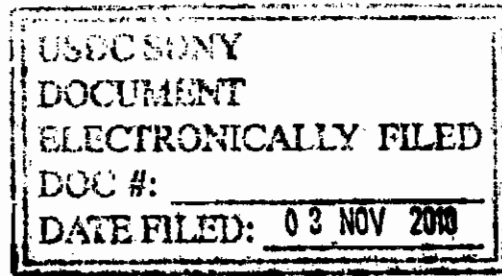
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DEAMARI GRIFFITHS et al.,

Plaintiffs,

-v-

CHADDA AMIT JUGALKISHORE et al.,

Defendants.
-----X



No. 09 Civ. 2657 (LTS)(KNF)

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiffs brought this action, which was removed from state court pursuant to 28 U.S.C. § 1446, seeking monetary damages for physical injuries allegedly caused by Defendants. On July 30, 2009, the matter was referred to Magistrate Judge Kevin Nathaniel Fox for General Pre-Trial Management. On July 1, 2010, Judge Fox held a hearing on the parties' application for an order approving a settlement which, inter alia, compromises the claims made by the above-referenced infant. On October 14, 2010, Judge Fox issued a Report and Recommendation ("Report"), recommending that the general terms of the proposed settlement be approved, subject to four conditions (see Report 16, docket entry no. 21). Neither party has made any objection to the Report, and the time to do so has elapsed.

In reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C.A. § 636(b)(1)(c) (West 2008). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wynn v. Lempke, No. 08 Civ. 3894 (RJS), 2009 WL


1227362, at *2 (S.D.N.Y. May 5, 2009).

The Court has reviewed carefully Judge Fox's thorough and thoughtful Report and finds no clear error in his recommendation. Accordingly, the Court accepts the Report in its entirety. To summarize the conditions of approval for the proposed settlement: Suzette Griffiths ("Griffiths") is authorized and empowered, in the interests of the above-referenced infant, to settle and compromise the infant's claims, resulting in a settlement payment by the Defendants of \$250,000.00 in full satisfaction of all claims for damages, attorney's fees and interest. \$56,815.39 shall be deducted from the settlement amount and paid by the Defendants to Spar & Bernstein as compensation for the legal services it rendered to the Plaintiffs. No award shall be made for disbursements and costs incurred by Spar & Bernstein. \$675.09 shall be paid by Defendants to 1199 SEIU Benefit and Pension Funds to satisfy its lien. \$192,509.52 shall be paid by Defendants to Griffiths as parent and custodian of the above-referenced infant and this amount shall be deposited in a federally insured savings account at the highest interest rate available.

The Clerk of Court is respectfully requested to close this case.

SO ORDERED.

Dated: New York, New York
November 3, 2010



LAURA TAYLOR SWAIN
United States District Judge